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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LY, NGHI H	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/804,171	WALLER ET AL.	
	Examiner	Art Unit	
	Nghi H. Ly	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 15-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 15-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/05/2005 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 1 and 26, the newly added limitations recite "*automatically updating the visual information supplied to the user as the location of the device changes so that new elements of the collection of information associate with locations in proximity to the location of the device are supplied to the user as the location of the*

device changes". Therefore, the claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 8, 12, 13, 24-26, 28 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al (US 6,381,465) in view of Yurkovic (US 6,668,353).

Regarding claim 1, Chern teaches a method of accessing information on an information network accessible by a mobile communications device (see Abstract), the

method comprising: determining a present location of the mobile communication device (column 6, lines 21-23, see "based on the handset location"), and supplying visual information (see column 5, lines 53-58 and column 3, lines 59-60) to a user appropriate to that present location (column 6, lines 21-65) from a collection of information being associates with different location (see column 5, lines 56-58).

Chern does not specifically disclose monitoring the location of the device as the location of the device changes: and automatically updating the visual information supplied to the user as the location of the device changes so that new elements of the collection of information associate with locations in proximity to the location of the device arc supplied to the user ms the location of the device changes.

Yurkovic teaches monitoring the location of the device as the location of the device changes: and automatically updating the visual information supplied to the user as the location of the device changes so that new elements of the collection of information associate with locations in proximity to the location of the device arc supplied to the user ms the location of the device changes (also see column 5, lines 19-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Yurkovic into the system of Chern so that the a mobile user will be automatically be presented with continuously updated information as the user's current location changes (also Yurkovic, see column 5, lines 19-28).

Regarding claim 8, Chern teaches the device determines its own location and/or orientations or is programmed accordingly by the user or by the network, and tailors information requested from the network accordingly (column 6, lines 21-23, see "based on the handset location").

Regarding claim 12, Chern further teaches grouping information on the network into channels relating to respective user requirements at a location and selecting among those channels to supply information in accordance with the respective user requirement at that location (see column 16, lines 26-31 and column 6, lines 21-23, see "based on the handset location").

Regarding claim 13, Chern further teaches comprising supplying audio information to the user (see 4, lines 29-35).

Regarding claim 24, Chern further teaches the supplied information comprises an advertisement (see column 6, lines 26-34).

Regarding claim 25, Chern further teaches the network comprises the Internet or an intranet (see column 8, lines 26-30), and wherein the information is held at URLs being the addresses of information resources on the network (see column 11, lines 37-41).

Regarding claim 26, claim 26 is rejected with a similar reason as set forth in claim 1 above.

Regarding claim 28, Chern further teaches determining location of the device includes means for cooperating with a GPS or by triangulation terrestrial transmitters to determine location of the device (see fig.4, GPS 304).

Regarding claim 37, claim 37 is rejected with a similar reason as set forth in claim 12 above.

6. Claim 2, 5, 7, 9, 11, 15-23, 27, 31, 33-36 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al (US 6,381,465) in view of Yurkovic (US 6,668,353) and further in view of Tsuda (US 6,233,094).

Regarding claim 2, the combination of Chern and Yurkovic teaches claim 1. The combination of Chern and Yurkovic does not specifically disclose determining orientation of the device and supplying information in accordance with that orientation.

Tsuda teaches determining orientation of the device and supplying information in accordance with that orientation (column 8, lines 44-45, see "*in the field of view of each binocular* (or in the direction of the other user), *the user can read out those information with viewing the other user*". Tsuda's "*in the field of view of each binocular*" reads on Appliccant's "accordance with that orientation". In addition, see Tsuda, column 10, lines 53-55, "position information is transmitted and/or received to/from another external device" or see fig.4, fig.5 and fig.6, wireless communication between two devices, and see Applicant's specification, page 7, lines 10-11, "a device 12 such as web-enabled mobile telephone or other similar device has a mobile 'point and push, facility". Therefore, Tsuda's telescope reads on Applicant's mobile communication device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern

so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 5, Chern further teaches the location of the device is determined by a GPS or by triangulation from terrestrial transmitters (see fig.4, GPS 304).

Regarding claim 7, the combination of Chern and Yurkovic teaches claim 1. The combination of Chern and Yurkovic does not specifically disclose the orientation of the device is further determined about a horizontal axis.

Tsuda teaches the orientation of the device is further determined about a horizontal axis (see Tsuda, column 3, lines 11-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 9, Chern further the device looks up stored addresses of information resources, selects resource addresses appropriate to the location and/or orientation of the device, and requests access via the network to information resources at the selected addresses (see column 9, lines 46-50).

Regarding claim 11, the combination of Chern and Yurkovic teaches the method of claims 1 and 26. The combination of Chern and Yurkovic does not specifically disclose the subject is viewed simultaneously with a display of the device that supplies information relating to the subject.

Tsuda teaches the subject is viewed simultaneously with a display of the device that supplies information relating to the subject (see column 8, lines 32-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 15, the combination of Chern and Yurkovic teaches the method of claims 1 and 26. The combination of Chern and Yurkovic does not specifically disclose the user views a subject such as a building, an object or an attraction and simultaneously receives information relating to the subject from the device.

Tsuda teaches the user views a subject such as a building, an object or an attraction and simultaneously receives information relating to the subject from the device (see Tsuda, column 8, lines 32-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 16, claim 16 is rejected with a similar reason as set forth in claim 11 above.

Regarding claim 17, the combination of Chern and Yurkovic teaches the method of claims 1 and 26. The combination of Chern and Yurkovic does not specifically disclose the subject is viewed through the display

Tsuda teaches the subject is viewed through the display (see Tsuda, column 8, lines 32-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 18, claim 18 is rejected with a similar reason as set forth in claim 15 above.

Regarding claim 19, the combination of Chern and Yurkovic teaches the method of claims 1 and 26. The combination of Chern and Yurkovic does not specifically disclose the subject is the physical environment visible through the display and wherein the information relating to the subject is a virtual object apparently placed in or otherwise associated with the physical environment at the location of the device.

Tsuda teaches the subject is the physical environment visible through the display and wherein the information relating to the subject is a virtual object apparently placed in or otherwise associated with the physical environment at the location of the device (see Tsuda, column 8, lines 32-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 20, the combination of Chern, Yurkovic and Tsuda teaches claims 18 and 19 in stead of the virtual object is a virtual terminal for the provision of a service or information, such as an ATM. However, using the virtual object is a virtual terminal for the provision of a service or information, such as an ATM is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve the virtual object is a virtual terminal for the provision of a service or information, such as an ATM as claimed.

Regarding claim 21, the combination of Chern, Yurkovic and Tsuda teaches claims 18 and 19 in stead of the virtual object is a marker that can be activated to access an information deposit. However, using the virtual object is a marker that can be activated to access an information deposit is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve the virtual object is a marker that can be activated to access an information deposit as claimed.

Regarding claim 22, the combination of Chern, Yurkovic and Tsuda teaches claims 18 and 19 in stead of the deposited information is uploaded from a mobile communications device to the network. However, using the deposited information is uploaded from a mobile communications device to the network is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve the deposited information is uploaded from a mobile communications device to the network as claimed.

Regarding claim 23, the combination of Chern, Yurkovic and Tsuda teaches claims 18 and 19 in stead of the deposited information is uploaded by another user as claimed. However, using the deposited information is uploaded by another user is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve the deposited information is uploaded by another user as claimed.

Regarding claim 27, claim 27 is rejected with a similar reason as set forth in claim 11 above.

Regarding claim 31, claim 31 is rejected with a similar reason as set forth in claim 7 above.

Regarding claim 33, Chern further teaches the location and/or orientation of the device is determined either internally or by programming by the user or by the network, and information requested from the network is tailored accordingly (see column 6, lines 21-23).

Regarding claim 34, Chern further teaches the location of the device is determined independently of the device and wherein the network supplies to the device

information held at selected resource addresses appropriate to the location of the device (see column 6, lines 21-23 and column 9, lines 46-50).

Regarding claim 35, claim 35 is rejected with a similar reason as set forth in claim 34 above.

Regarding claim 36, claim 36 is rejected with a similar reason as set forth in claim 34 above.

Regarding claim 38, claim 38 is rejected with a similar reason as set forth in claim 11 above.

Regarding claim 39, claim 39 is rejected with a similar reason as set forth in claim 15 above.

Regarding claim 40, claim 40 is rejected with a similar reason as set forth in claim 19 above.

Regarding claim 41, the combination of Chern, Yurkovic and Tsuda teaches claim 40 in stead of accessing a deposit of information marked by the virtual object is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve accessing a deposit of information marked by the virtual object as claimed.

Regarding claim 42, the combination of Chern, Yurkovic and Tsuda teaches claim 40 in stead of uploading the deposited information to the network is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve uploading the deposited information to the network as claimed.

7. Claims 3, 4, 10, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al (US 6,381,465) in view of Yurkovic (US 6,668,353) and Tsuda (US 6,233,094) and further in view of Kikinis et al (US 6,389,290).

Regarding claim 3, the combination of Chern, Yurkovic and Tsuda teaches claims 1 and 2. The combination of Chern, Yurkovic and Tsuda does not specifically disclose the orientation is determined about a vertical axis.

Kikinis teaches the orientation is determined about a vertical axis (see fig.2 box 51, number 5 and column 5, lines 41-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kikinis into the system of Chern, Yurkovic and Tsuda so that user can receive additional direction information.

Regarding claim 4, claim 4 is rejected with a similar reason as set forth in claim 3 above.

Regarding claim 10, Chern further teaches the location of the device is determined independently of the device and wherein the network supplies to the device information held at selected resource addresses appropriate to the location of the device (see column 6, lines 21-23 and column 9, lines 46-50).

Regarding claim 29, the combination of Chern, Yurkovic and Tsuda teaches claim 27. The combination of Chern, Yurkovic and Tsuda does not specifically disclose the orientation is determined about a vertical axis.

Kikinis teaches the orientation is determined about a vertical axis (see fig.2 box 51 number 5 and column 5, lines 41-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kikinis into the system of Chern, Yurkovic and Tsuda so that user can receive additional direction information.

Regarding claim 30, the combination of Chern, Yurkovic and Tsuda teaches claims 26, 27 and 29. The combination of Chern, Yurkovic and Tsuda does not specifically disclose an electronic compass.

Kikinis further teaches an electronic compass (see fig.2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kikinis into the system of Chern, Yurkovic and Tsuda so that user can receive additional direction information.

8. Claims 6 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al (US 6,381,465) in view of Yurkovic (US 6,668,353) and Tsuda (US 6,233,094) and further in view of Kikinis et al (US 6,389,290) and Hashimoto (US 6,338,020).

Regarding claim 6, the combination of Chern, Yurkovic, Tsuda and Kikinis teaches claims 1, 2 and 5. The combination of Chern, Yurkovic, Tsuda and Kikinis

teaches does not specifically disclose the location and/or orientation of the device is further determined by measuring acceleration of the device.

Hashimoto teaches the location and/or orientation of the device is further determined by measuring acceleration of the device (see column 1, lines 40-56 and see column 3, lines 3-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hashimoto into the system of Chern, Yukovic, Tsuda and Kikinis so that the position can be obtained from the detected direction and speed data (see Hashimoto, column 3, lines 3-11).

Regarding claim 32, claim 32 is rejected with a similar reason as set forth in claim 6 above.

Response to Arguments

9. Applicant's arguments with respect to claims 1-13 and 15-42 have been considered but are moot in view of the new ground(s) of rejection.

On pages 13 and 14 of applicant's remarks, applicant argues that the teaching of Tsuda teaches the information does not depend on the orientation of either binocular.

The examiner, however, disagrees. Tsuda indeed teaches the information does depend on the orientation of either binocular (column 8, lines 44-45, see "*in the field of view of each binocular* (or in the direction of the other user), *the user can read out those information with viewing the other user*". Tsuda's "*in the field of view of each binocular*" reads on Appliccant's "accordance with that orientation".

On page 15 of applicant's remarks, applicant argues that "The use of orientation information is not taught by Kikinis, which does not discuss ways of orienting a device or events or conditions relating to the orientation of a device".

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

05/19/05

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